

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TERRY ABELS, as Next Friend and
Guardian ad Litem for JERRY HUNT,

Plaintiff,

v.

GENIE INDUSTRIES, INC., et al.,

Defendants.

NO. 04-1148 T/An

ORDER GRANTING IN PART AND DENYING IN PART JOINT MOTION
TO VACATE AMENDED AGREED RULE 16(b) SCHEDULING ORDER
AND REQUEST FOR CONTINUANCE OF TRIAL

Before the Court is the parties' Joint Motion to Vacate Amended Agreed Rule 16(b) Scheduling Order and Request for Continuance of Trial Date filed on November 22, 2005. For good cause shown, the motion is **GRANTED** in part and **DENIED** in part.

The Scheduling Order shall be vacated. The trial date, however, shall remain in effect at this time. Counsel shall notify the Court when the issues certified to the Tennessee Supreme Court have been resolved by that Court and a new Scheduling Order shall be developed and entered at that time. The Court will consider at that time whether it is necessary and appropriate to continue the trial date currently set. If the Tennessee Supreme Court has not resolved the questions certified to it by June 1, 2006, Counsel shall be allowed to renew their motion to continue trial if they so desire.

IT IS SO ORDERED.

S. Thomas Anderson

S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: December 05, 2005

FILED BY *[Signature]* D.C.
05 DEC -6 PM 3:17
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. JACKSON



Notice of Distribution

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Honorable James Todd
US DISTRICT COURT